

(Del. Rev. 11/14) Pro Se General Complaint Form

FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2018 JUN -7 PM 3:41

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MAURICE WALKER O/B (MAW)

*(In the space above enter the full name(s) of the plaintiff(s).)*

Civ. Action No. 18 - 856  
(To be assigned by Clerk's  
Office)

-against-

STATE OF DELAWARE  
(VRS), BOARD OF EDUCATION

COMPLAINT  
(Pro Se)

Jury Demand?

☒ Yes  
☐ No

*(In the space above enter the full name(s) of the defendant(s).)*

*If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section I. Do not include addresses here.)*

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If this is an employment discrimination claim or social security claim, please use a different form.

**Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.**

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**I. PARTIES IN THIS COMPLAINT****Plaintiff**

List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff:

WALKER, MAURICE A. O/B (MAW) *minor child*  
 Name (Last, First, MI)  
 715 Vandever Ave  
 Street Address  
 New Castle County, Wilm. Del. 19802  
 County, City State Zip Code  
 1-609-464-6383  
 Telephone Number E-mail Address (if available)

**Defendant(s)**

List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:

LYNCH, Carey  
 Name (Last, First)  
 750 North Dupont highway (STEVENS house)  
 Street Address  
 Kent, Mdford, Del. 19963  
 County, City State Zip Code

Defendant 2:

HARRIS, Thomas  
 Name (Last, First)  
 821 Silver Lake Blvd  
 Street Address  
 Kent, Dover, Del. 19904  
 County, City State Zip Code

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**Defendant(s) Continued**

Defendant 3:

Szymanski, Adam

Name (Last, First)

821 Silver Lake Blvd

Street Address

Kent, Dover 19904

County, City

State

Zip Code

Defendant 4:

Holmdreg Donna L.

Name (Last, First)

400 Court Street

Street Address

Kent, Dover, Del.

County, City

State

19901

Zip Code

**II. BASIS FOR JURISDICTION***Check the option that best describes the basis for jurisdiction in your case:*

- ☐ **U.S. Government Defendant:** United States or a federal official or agency is a defendant.
- ☐ **Diversity of Citizenship:** A matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000.
- ☒ **Federal Question:** Claim arises under the Constitution, laws or treaties of the United States.

If you chose "Federal Question", state which of your federal constitutional or federal statutory rights have been violated.

Right to due process pursuant to Sixth and Fourteenth Amendments  
 civil Rights Action under 42 U.S.C § 1983 violated  
 violated 11 Del C §§ 6516, 6517. administer Medical Treatment  
 First Amendment Rights + Article 1 § 5 of Delaware Constitution, Retaliation

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**III. VENUE**

*This court can hear cases arising out of the Counties of New Castle, Kent, and Sussex in the State of Delaware.*

*Under 28 U.S.C § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.*

*Venue is appropriate in this Court because: Plaintiff, Resides in New Castle, County, Delaware. Plaintiff Attends School within the State. Plaintiff Assents that unless immediate Injunction Relief is Granted, Defendants will continue to violate state and Federal Law of Minor Child within the Federal Disabilities Act. This District is the proper location based on Jurisdiction of all parties.*

**IV. STATEMENT OF CLAIM**

Place(s) of  
occurrence:

*New Castle, Kent County Delaware*

Date(s) of occurrence:

*JANUARY 2017 to Present*

*State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions.*

**FACTS:**

*Motion for Immediate Injunction Relief*

What  
happened to  
you?

*Plaintiff seeks Immediate Injunction Relief from defendants for the Violation of Civil Rights under 42 U.S.C. § 1983.*

*Plaintiff is a disabled Minor under IDEA. And is protected by Federal statute of the Eighth + Fourteenth Amendments.*

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Plaintiff is indigent and has been declared indigent by Family Court of State of Delaware per (AST evaluation performed as recent as May 2018 by Dr. Ben Cowden, State Psychologist with DYRS).

Plaintiff was incarcerated in November 2017 until present was a violation under IDEA which caused serious and irreparable harm by Defendant.

Plaintiff asserts that corruption and misconduct by Defendant cause harm to Plaintiff when Defendant failed to protect Plaintiff multiple times causing injury to Plaintiff.

Was anyone  
else  
involved?

On May 31st and June 5, 2018, Plaintiff was attacked inside the Stevenson House Detention Center by multiple individuals resulting in broken hand of Plaintiff, also two chip teeth of Plaintiff.

Defendant failed to protect Plaintiff causing injury and nurse treatment which resulted in Plaintiff's emotional and mental health impairment abuses.

Defendant continually violates Plaintiff rights as a protected individual of Federal Disability Act Guidelines.

Plaintiff has an I.E.P. set-up which has been violated by Defendant while in school.

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Plaintiff seeks Immediate Injunction Relief from GPS Monitoring Device Placed on Plaintiff, because Defendant Violated State Law for Required Individual to be Placed on the GPS System. Plaintiff Rights are violated because he does not fit State Court requirements as a Indigent Person.

Injunctive Relief is Appropriate to prevent Substantial Risk of Serious Injury from Ripening into Serious Harm or Death of Plaintiff. Thomas vs Bryan 614 F.3d 1288, 1318 (11th Cir 2010) Citing Farmer vs Brennan, 511 U.S. at 845, 114 S.Ct. at 1983

Irreparable injury requirements may be satisfied by plaintiff demonstrating a history of past misconduct, which gives rise to an inference that future injury is imminent. Thomas 614 F.3d at 1318, citing Kapts v Wing 404 F.3d 105, 123. (2nd Cir 2005)

Who did  
what?

In respect to the Injunction being in the Public Interest Plaintiff has a constitutional right to access to courts, which include the right by disabled, indigent, persons to Adequate and effective meaningful opportunities as I.D.E.A. to present his claims Bowds v Smith 430 US 817, 821, 27 97 S.Ct. 1491, 1494-5 (1977) citing Ross v Moffitt 417, US 609, 46, 94 S.Ct. 2437, 2447, (1974)

The Plaintiff has clearly demonstrated the right to entitlement to Immediate Injunction Relief. Because Defendants has a history of misconduct and has wronged Plaintiff multiple times by misusing state statutes to incarcerate a Individual with Disabilities.

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## V. INJURIES

*If you sustained injuries related to the events alleged above, describe them here.*

Multiple Injuries, Most Recent was on June 4-5 in which Plaintiff was transported to Kent General Hospital from Stevenson house. Plaintiff's Parents were not notified. Plaintiff received broken finger on right hand, two chipped teeth, multiple Scarring on arm and shoulder. Defendant failed to contact Parents in each incident. Plaintiff received broken hand from teacher at Kirk Elementary School prior. Defendant failed to protect a Individual Protected by FARE + IDEA Laws

## VI. RELIEF

The relief I want the court to order is:

☒ Money damages in the amount of: \$ 4,800,000 USD.

☒ Other (explain):

Immediate Release from GPS Program.  
 Immediate Injunctive Relief from Family Court Detention (Never to Return for Any Reason)  
 Immediate Protection under Federal Protection of A Minor Child With Disabilities Protected by FARE + IDEA.  
 Immediate Oversight to INSURE Minor child is able to be schooled in private setting to catch up on work, and allowed inclusion into school setting as set forth in his I.E.P.  
 Defendants to stop frivolous Attempts to prosecute Individuals with disabilities from Schools within the State of Delaware.

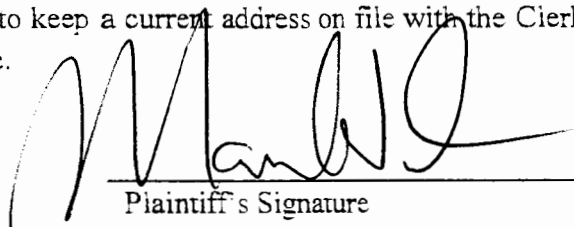
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**VII. CLOSING**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

6-7-2018  
Dated

  
Plaintiff's Signature

Walker, Maurice A.  
Printed Name (Last, First, MI)

715 Vandeventer Ave Wilm. DE 19802  
Address City State Zip Code

1-609-464-6383  
Telephone Number

\_\_\_\_\_  
E-mail Address (if available)

*List the same information for any additional plaintiffs named. Attach additional sheets of paper as necessary.*

**Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.**